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Mission permanente du Portugal
Genève

HUMAN RIGHTS COMMISSION

44th session

(Item 10)

RIGHT OF REPLY

Statement by Mrs Ana Martins Gomes,
member of the Portuguese delegation

Mr Chairman,

I'll be addressing a few questions raised by the right of reply of the distinguished representative of Indonesia:

1. Cooperation with the Working Group on Disappearances

The portuguese delegation acknowledges that for the first time this year the Indonesian Government clarifies a few cases of the many transmitted to it by the Working Group during the last 8 years. In our statement under item 10, we also acknowledge that Indonesia declares to respect the Working Group. What we point out is the fact that Indonesia, in spite of its verbal commitments, also makes clear that it doesn't feel bound by any obligation to cooperate with the Working Group. That is exactly what paragraph 124 of the report of the W.G. states. We don't believe that such a position towards this body is consistent with the obligation of co-operation a UN member is bound to by the Charter.

Another element that Indonesia is always presenting as a sort of demonstration of its cooperative will is the Understanding it has reached with ICRC.

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Until last year the Indonesian Government was telling the Working Group to seek clarification for those cases near ICRC. This is certainly not an attitude of good faith, since the Indonesian Government knows better than anyone else that the ICRC, under the terms of its mandate and the Understanding reached with the Indonesian Government, cannot disclose its findings, except to families of the victims or missing persons.

Furthermore, it has to be noted that the activities of ICRC in this territory, or in any other place, can only be developed in the extent that the local authorities allow it.

2. Human rights situation in East Timor

After 12 years of occupation of East Timor by Indonesia, reports on massive human rights violations go on reaching us. And this in spite of the lack of access to the territory and of the difficulties of circulation of information concerning the daily life there.

The Portuguese delegation in its statement under item 10 mentioned just three recent cases reported by the press. But there are many more we know about.

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The situation prevailing in East Timor is indeed one of a repressive colonial domination, with the denial of the most elementary human rights and fundamental freedoms. The censorship imposed on personal correspondence received from abroad,that we mentioned in our statement, is indeed a very eloquent sign of the extent of that denial.

The distinguished representative of Indonesia trying to refute this evaluation referred to the letter Mr George Shulz send to the 40 US members of Congress who showed concern on East Timor. Letter which, by the way, he doesn't quote. But the most eloquent, detailed and comprehensive analysis the American Administration makes about the situation in East Timor is the one inserted on the "Us Annual Country Report On Human Rights Practices", prepared by the State Department to the Congress every year.

The edition of last February 1987 is quite explicit about how serious and a matter for real concern is the human rights situation in East Timor,and indeed in Indonesia itself, since the real problem is not only East Timor, but the respect for human rights in Indonesia.

Remarks about "political killings, desappearances,

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torture, arbitrary arrest, exile, denial of public fair trial, corruption of judges, arbitrary interference with privacy, family, home or correspondence, lack of freedom of speech and press, restrictions of movement, restriction of foreign travel of domestic critics..."

I could go on and I'm just quoting headlines of the very enlighting 12 pages dedicated to Indonesia in this Report.

3. Visits to East Timor

About visits to East Timor, the same US Country Report talks in page 716 of "selective access", of " escorted diplomatic visits" and states that the "international human rights organizations are denied general access or permission to observe subversion trials".

I don't need to go on demonstrating that access to East Timor is not free:

The distinguished delegate of Indonesia just confirmed it,in the final part of his right of reply, when he speaks of welcoming "bona fide humanitarian organizations" and explains his Government wants visitors to be "responsible, reputable people of whom we can be reasonably sure that they would make an honest and unbiased

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observation of the situation".

About the way the Indonesian authorities instruct local forces to prepare to mislead the escorted visitors they allow in East Timor about the human rights situation there, I would recall the interesting information provided by "Pax Romana" under item 9 of our debate.

The main question yet remains to be answered by the distinguished representative:

If there are no violations of human rights, if the situation is so good in East Timor, why is Indonesia afraid of giving free access to the territory?

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4. Responsibility of Portugal

The military occupation of East Timor by Indonesia forces occured in December 75. One year before, Portugal had finaly reestablished a democratic regime. At that time Portugal was activily seeking to implement the decolonization of all its colonies. What it did, with the solely exception of East Timor, exactly because of the Indonesian invasion of the territory.

One should perhaps ask why the Indonesian Government, who pretends to have liberated East Timor from Portuguese colonialism, chose for that the exact moment when Portugal was in the middle of its decolonization process. Apparently the authoritarian colonial Government ruling Portugal and East Timor before 74 had not disturbed the Indonesian authorities. The problems only arose when the people of East Timor, as well as the Portuguese people, regained the exercice of freedom of speech and of association...

The distinguished Indonesian representative pretends in his right of reply that Portugal has the responsibility for the tragedy that in those years fell over the people of East Timor.

We would like to remind him that after the Portuguese troops were forced to leave the main island in

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August 75, his Minister of Foreign Affairs declared in a Joint Communiqué with the Portuguese Foreign Minister, after a meeting in Rome the 1st and 2nd November that year, that "the fundamental responsibility for the decolonization of Portuguese Timor lies with Portugal who has the legitimate authority in that territory" and that he engaged itself "to undertake all effort for the speedy and orderly implementation of the act of selfdetermination by the people of Portuguese East Timor".

But only one month later Indonesia was invading the territory, causing death, sorrow and destruction. 200.000 deaths in a population of 700.000.

What is the justification for such a massacre? Portugal and Portuguese actions can never serve as an excuse for such terrible events, for which the Indonesian Government was solely and repeatedly blamed in several UN resolutions.

Portugal has been prevented to exercise its responsibility of promoting the self determination of this non-autonomous territory. Portugal is still prevented from acceding the territory and verifying the extent and seriousness of the situation there.

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We are nevertheless pursuing every effort to reach a just and global solution for East Timor, namely through the talks between the two Governments under the auspices of the Secretary General. We hope this can bring peace, respect for human rights of the Timorese, for their right to self determination, for their right to perserve their cultural and religious identity.

We are ready to acknowledge any progress in the human rights situation in East Timor, whenever they occur. But unfortunately that doesn't depend on Portugal. That depends primarily on Indonesia, who ilegally occupies and rules presently this territory. In this respect we hope the Indonesian Government will give serious reflexion to the concerns raised here in this Commission.

As a responsible member of the International Community and of this Commission on Human Rights, Portugal feels the duty of bringing to the attention of its members the very sad news it goes on receiving from East Timor. We have to raise them here because this is the proper forum of the UN.

Silence doesn't help promoting human rights in the world.

Silence in this particular case of East Timor is what the violators of human rights have been actively seeking for years.

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Portugal assumes its responsibilities as administering power of East Timor according to UN resolutions, and as a member of this Commission.

We are commited to promote human rights. We respect the victims of human rights violations. We cannot keep silence over East Timor.

We owe it to this sacrificed people.